The considration of the bill is a hearing & is final when it results to the final disposition of the case. ANDRES V. COLE C.Ct. N.D.N.Y. 20 F. 410 411. A default judgment can be entered by the Ct. w/out any notice of hearing as, for example when appellees has never appeared.

Appellees are not infancts or incompetent people & are not in the military service of the U.S. The record in the instant case shows that appellees counsels were served personally & by registered mail w/a return receipt, (vol.Ct.p.250) at 555 Cal. St. Suite 3100, by un-interested party over the age of 18. (See vol.1.pp.270-276 facts of services) Attached are copies of fact of services as Appendix "I". The Court had subject jurisdiction against appellees. Fed. Rules, C.P. Rule 55(b)(1). Since the Ct. Clerk refused to sign the entry of default, I wrote chief justice Browning,(vol.1Ct.pp. 289-300) stating that Real Parties repeatidly failed to file answer, motion or appearance of any kind & that the time for so doing had not been extended, that the action was based on gross fraud w/11 counts & the amount due thereon was a sum certain setting it out & requesting the clerk of Ct. to enter appellees default,(pp. 290-292) I presented an order for the Ct. to sign (vol.1pp.301-303) the answer was a denia by the U.S.C.A 9th Cir. judges GOODWIN,..contrary to the statute, by stating;

QUOTE: " Upon due consideration, all of petitioner's filings since the entry of the Court's July 26'79 Order are denied and the July 26'79 order denying the petition for writ of mandamus is affirmed. The clerk is instructed to accept no further filings in' this case."(vol.p.1) # 79-7291

The continous refusal to enter default against the appellees is an old record, (starting from the Super. Ct, up to the U.S.C.A.) unduly discriminatoty, unlawful, which could be in effect be a sanction against the Ct. knowing fully well appellees are in default since 1971 at the lower Ct. See U.S. v. Foust Distilling Co. 36 F.R.D. 92 (1960) Aetna's motion for default judgment by the Ct. in its favor & against Foust in the amount of $ 186,610.20 w/interest for each claim, by failure to plead within 20 days (Rule 12 (a) after the service.

The Courts knew once a default is entered appellees had no further standing to contest the factual allegations of appellant's claim for relief. Where a default is entered appllees is deemed to have admitted all well pleaded allegations in the complaint, (Carribbean Produce v. Carine Hydro Trailer, Inc.65 F.R.D. 46 (1974) In exercising the discretionary equitable power to Court is also aware that default judgment is not favored in the law, Bowles v. Banick, 66 F.Supp.557(W.D.Mo.1946) & that Cts. exist to the enforcement of an unjust judgment. "WRIGHT" LAW OF THE FED. CTS. §§ 96 at 439 (2ded 1970), however, this Ct. is also aware that the "rules that require responsive pleadings withing a limited time serve important social goals, & a party should not be permitted to flout them w/impunity".id.,at 439. This is because a contrary rule would work to the benefit of the party who has obstructed the adjucication of an alleged wrongdoing by refusing to or otherwise defend, a result repugnant to the American system of justice. This Ct. by repeatidly postponing the matter had efforded appellees to dispose of the case by settlement if that were there desire. But in fairness such postponements could not be continually granted when the diligence party would suffer. Here there was no mistake inadvertence, surprise or excusable neglect on appellees part. It is a matter of record that appellees & their counsels had violated every law in the book, had been tried & proven their motive, deceit, & their intentional violations under Court Rules & orders refused to be entered as evidence by the lower court. After full & adequate warning was measured risk which they undertook knowing fully well all the facts & consequences of the action & they are not allowed to be heard to complain of the entry of default on the issue of liabilities.(Link v. Wabash R.Co.379 U.S. 626,634, 635, 82 S.Ct.1386, 8 L.Ed.2d 734(1962) Thomson v. Wooster,114 U.S. 104, 5 S.Ct. 788, 29 L.Ed 105 (1885). The sufficiency of the complaint has already been established since 1972 of the 1st action. By virtue of the default the appellees has admitted the truth of the well pleaded allegations of the complaint. Thomson v. Wooster, 114,supra

In Freeze v. Salot (1954) 132 CA2d, 561, 266 P.2d 104(14 Cal. Jur. 887 § 19) it was stated when a person failed to appear or answer allegations charged against them is an admission & confession that all the material facts alleged in the complaint in that action were true. It was also held that a "judgment by default" is a complete adjudication of all the rights of the parties embraced in the prayer after answer & trial w/respect to issued tendered by the complaint (15 Cal.Jur 131,§ 186). When thus admonished & they repeatidly, deliberately failed to answer, appear the cause of action by what cause of reasoning can it be said that the appellees are not willing that such a judgment be entered against them? Is there any silience not a tacit admission that they owe the appellant what she claim? The only difference between entering on a judgment by confession judgment & entering one upon default under such a statute is that, in the first instance, the appellees in proper terms expressly confesses judgment, while in the second they tacitly consent by their silence that judgment may be entered against them for the amount claimed in the complaint.(Pope v. United States 323 US 1,12-65 S.Ct.16,9 L.Ed,3 (1944). The sum demanded must be awarded & no discretion left anywhere"..(see Thomson v. Wooster, 1885, supra;) A confession of facts properly pleaded dispenses with proof of those facts, & is as effective for the purposes of the suit as if the facts were proved, (in this instance case facts had been proven) and a decree pro confesso regards the statement of the bbill as confessed. A carefuly prepared history of the practice & effect of taking bills pro confesso is given in Williams v. Corwin, Hopk,Ch.471, by HOFFMAN,master, in a report made to Chancellor SANFORD of N.Y., in which theconclusion come to,(and adopted by the chancellor,) as to the effect of taking a bill pro-confesso, was that "when the allegations of a bill are distinct & positive, & the bill is taken as confessed, such allegations are taken as true, w/out proofs," & a decree will be made accordingly; Judgment will be rendered against them according to the demand, (Fed. Rules 54(c). The allegations of the complaint, in effect become findings of fact. See Kenron v. James Brown 477 P.2d 526(1973)

No opposition was filed or appearance from the appellee's counsels in appellant's motion to dismiss (Rule 12) complaints filed against her,(vol.1Ct.pp.249-269) & to enter default judgment against appellees,(Fed.Rules, C.P. Rule 12, 55 (b)(1) filed Aug.22'80, to be heard Aug. 31'80, on the ground of gross laches, (See Lomax v. U.S. 155 Supp. 354 (E.D. pa 1957)

All factors presented in this appeal sufficiently support dismiss & to enter default judgment w/sanction for each & every count, presented, such as Bayshore's appeal,(1st action) See Molinaro v. New Jersey, 396 U.S.C. 365 90 S Ct. 497, 24 L.Ed.2d 586 (1970) seeking to invoke the process of the law while flouting them; In Links v. Wabash, R. Co.370, supra; dismissed w/out a hearing by failure to prosecute under Rule 41(b); On general inherent power of a Ct. to dismiss an action as a sanction for disobedience of a Ct. Order, See Refior v. Lansin Drop Forge Co. 6 Cir. 1942 124 F.2d 440, 444, Cert.denied 316 U.S. 571 62 S.Ct. 1047 86 L.Ed 1746

Petition # 80-7089 was amended (vol.2Ct.pp6-34) demanding one million dollar, under "Criminal gross negligence",(because of the hositlity, illegality & the continous series un-healthy coincidences, while the Ct. are preventing appellant from obtaining justice.

> "Gross negligence" is vulpable or criminal when accompanied by acts of commission or ommission of a wanton or willful nature, showing a reckless or indifferent disregard of the righs of others, under circumstances reasonably calculated to produce injury will be occasioned, & the offender knows or is charged w/knowledd of the probable result of his acts. "culpable" meaning deserving of blame or censure"
>
> (vol.2Ct.p.49)

Appellant called U.S.C. judges, attention regarding her heart condition because of is litigation. Appellant has a background of being strong & healthy person until this action dragged on. Appellant is run down & exhausted,(by going around in circles) She is like a ball bouncing from oen Dept. to another. Frome one Div. to another. From one Ct. to another, then back again to the Super. Ct. up to the U.S.C.A w/out "RESOLVING" the "MATERIAL" ISSUE (property rights) we are fighting for from the very commencement of this litigation. -27-

Based on the facts presented supported w/certified records sufficiently support judge's opinion, orders, represent "grave injustice of judicial power", by their "willful persistent failure to perform their duties", seriously prejudiced appellant, case violated her right of due "process of law", & to a "speedy" judgment, & constituted "ill health" & problems from every source. As stated in Canupy v. Mississippi Valley 31 F.R.D. 287 (1962) one of the basic Rules of Fed. Civ. Proc. is to secure the "SPEEDY" the statute, appeal will lie, when a party relying on a State statute held by a Court of appeals to be invalied as repugnant to the Constitution.

QUESTION IS SUBSTANTIAL

Appellant submit that the actions, opinion, orders below present substantial questions warranting the acceptance of jurisdiction. (jurisdiction is the power to decide a case either way as merits may require U.S. v. Arredondo 6 Pet (US) 691 8 L ed 547

(a) The 1st substantial question is whether the U.S.C.A. should have entertained the actions by writ w/11 counts under extraordinary facts of the case,(b) 2nd, is whether the U.S. C.A. judges are w/jurisdiction to protect appellees based on facts presented. An act setting aside a judgment & directing the entry of a different one interferes w/judicial power. See U.S. v. Klein, 13 Wall,(US)128, 20 L.ed 519, Cf Stephens v. Cherokee Nation 174 US 455, 43 L ed 377, 23 S Ct. 222;

(c) 3rd, is whether the U.S.C.A. judges, should have entertained the actions for a motion to dismiss & to enter default judgment" under admitted facts.

The rules of the Supreme Ct. in (Thomson v. Wooster, 114 US 104, supra; "a decree pro confesso may be had if the defendant, on being served w/process, fails to appear within the tiem required; or if, having appeared, he fails to plead, demur, or answer to the bill within the time limited for that purpose; or if he fails to answer after a former plead, demurer, to answer is overruled or declared insufficient." To take a bill pro confess is to order it to stand as if its statement were confess to be true. Such a decree is binding and conclusive as any decree.

(See United States v. Herlong (WD SC 1949) 9 F.R.D. 194 13 FR Serv. 5b.14, case 1, Entry of default judgment pursuant to Rule (b)(1), constitutes a "final hearing" within 28 USC § 1923.

A layman, of course is entitled to protection under the First, Fifth & 14th Amendment as any other citizen. The major of this action is now before the Court is the extent to which the First Amendment protect tenant from eviction under fraudulent transaction and malicious prosecution to declare RULE 18,(PGandE's tarrif rate) under PARAGRAPH 17 of the tenant lease agreement and all violations willfuly violated by appellees, fuly stated in this appeal and presented in "ORDER" for "FINAL JUDGMENT"(vol.2Ct. pp.36-44) certified as true a correct copy filed in the U.S.C.A.

See McQUEEN v. DRUKER (CAI Mass) 438 F.2d 781. The Dist. Ct. found sufficient federal & State involvement to make applicable the due process clause of the Fift, 14th Amendment and First Amendment rights.(vol.1Ct.p.239)

As stated in §§ 260 "the Judicial Power" vested in the Supreme Court by Article III of the Constitution extends only to "Cases" and "Controversies" to which the claims of litigants are brought the Coutt for determination by such regular proceedings as are established for protection (First,Fifth & 14th Amendments) and enforcement of rights, or the preventing, redress or punishment of wrongs.

C O N C L U S I O N

Based on the facts presented supported with (3 vols.) of certified records, appellant respectfully submits, she sufficiently demonstrated that the Court has jurisdiction to reverse the judgments and dismiss the 1st & 2nd "willful malicious prosecutions" filed against appellant, & to enter "default judgment" against appellees, under lease contract PARAGRAPH 17, Rule of Court & orders. Fed. Rules, C.P. Rule 8(c)(d), 9(b)12, 37(b) 55, (b)(1), 38 U.S.C.A. (pending for almost 9 yrs.) and to award the amount of damages demanded in the complaint, waived by the apellees, as prescribed by the statute. (Fed. Rule 54(c)

A default judgment can be entered by the Ct. w/out any notice of hearing as, for example appellees never appeared. ANDREWS v. COLE C.Ct. N.D.N.Y. 20 F. 410 411

RESPECTFULY SUBMITTED
MARIE BRESSLER -339 Pkes Ct.
Martinez, Cal. - In Pro Per

Dated: July 3, 1980

PROOF OF SERVICE BY MAIL

That I served a copy of the attached "JURISDICTIONAL STATEMENT", (hand delivered to U.S.C. Ct. Clerk, by overnight Express) by placing said copy in an envelope addressed to;

JACOB, SILLS & COBLENTZ
Wm. McCabe, Nicholas Waranof, M. Meyers
Attorney at Law
Suite-3100
555 California St.
San Francisco, California

Respondents, M. Rothenberg, SAM HALL,
& ROBERT COONEY, Dept. # 7, # 1, & # 8
Superior Court, Contra Costa County Martinez, Calif.

Respondent Caldecot, D.C.A. DIV. Four
350 McCalister St. San Francisco, Cal.

U.S.C.A. Chief Justice Browning (9th Cir.)
Respondents, ELY & GOODWIN, U.S.C.A. 9th Cir.
P.O.BOX # 547, 7th Mission St.
San Francisco, California

Respondent WALLACE, ANDERSON & SKOPKIL (9th Cir.)
7th Mission St. P.O.BOX # 547
San Francisco, California

Atty. Gen. Civilete
Dept. of Justice between 9th & 10th, Washington,D.C. 20530

WELLS FARGO BANK, SUNVALLEY CENTER
BAYSHORE PROPERTIES, INC.,
Suite-3100
555 Californis St.
San Francisco, California

which envelope was then sealed and, with postage fully prepaid thereon on July 3,1980, deposited in the United States Post Office, Martinez, California.

I, MARIE BRESSLER, certify under penalty of perjury that the foregoing is true & correct.

-30-

Marie Bressler

MARIE BRESSLER
339 Pikes Court
Martinez, California

RE: No. 73-1568

I certify that all judges concerned concur in the attached order, please file it.

United States Circuit Judge

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 25 1973

EMIL E. PIELTI, JR.
CLERK, U.S. COURT OF APPEALS

MARIE BRESSLER,

Petitioner,

vs.

THE FIRST APPELLATE COURT, DISTRICT ONE DIVISION THREE, for the STATE OF CALIFORNIA

and

SUPERIOR COURT for the COUNTY OF CONTRA COSTA,

Respondents,

and

HILARY & MARTIN BELLOC, A. TAUBMAN, A. RUBLOT, and CHARLES ALLEN, JR., Individuals, et al.,

No. 73-1568

APPENDIX "A"

ORDER

Docketed

MAY 26

Before: WALLACE and KENNEDY, Circuit Judges.

Upon due consideration, the "emergency motion" and petition for writ of mandamus are denied. Petitioner has failed to present any basis for federal court jurisdiction.

FILED

OCT 9 1979

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIE BRESSLER,

Petitioner,

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, CONTRA COSTA COUNTY,

Respondent,

and

HILARY and MARTIN BELLOC, A. TAUBMAN, A. RUBLOF, et al.,

Real Parties in Interest.

No. 79-7291

APPENDIX "B"

ORDER

Before: ELY and GOODWIN, Circuit Judges.

Upon due consideration, all of petitioner's filings since the entry of the Court's July 26, 1979 order are treated as a petition for rehearing, as such they are denied and the July 26, 1979 order denying the petition for writ of mandamus is affirmed. The Clerk is instructed to accept no further filings in this case.

Mo Cal 7/23/79

APPENDIX "C"

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIE BRESSLER,

Petitioner,

vs.

THE APPELLATE COURT DISTRICT DIVISION FOUR, STATE OF CALIFORNIA, et al.,

Respondents,

and

H & M BELLOC, et al.,

Real Parties in Interest.

No. 80-7089

APPENDIX "C"

ORDER

FILED

MAR 10 1980

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

Before: ANDERSON and SKOPIL, Circuit Judges

Upon due consideration of petitioner's petition for extraordinary relief, amended petition and "request for investigation," the petition is hereby denied. Petitioner's filings do not present a claim cognizable initially in this Court.

ORDER DENYING ALTERNATIVE WRIT

S.F. No. 23460

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

APPENDIX "D"

BRESSLER, PETITIONER

v.

COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION THREE, RESPONDENT

TAUEMAN ET AL., REAL PARTIES IN INTEREST

APPENDIX "E"

Petition for writ of Mandamus

DENIED.
SUPREME COURT
FILED
JUN 17 1976
E. DISHEL, Clerk
Deputy

Chief Justice

Court of Appeal of the State of California

IN AND FOR THE

First Appellate District

Division FOUR

FILED

JAN 31 1980

Court of Appeal - First App. Dist.
CLIFFORD C. FORTER, Clerk
By _____ Deputy

Wells Fargo Bank, N. A.,
as Trustee under Trust
No. 5-82385

Plaintiff and Respondent,

vs.

Marie P. Bressler,
~~individually and doing business~~
as Marie's Originals,
Defendant and Appellant.

No. 48616

Superior Court No. 188759

APPENDIX "E"

COPY

By the Court:

The motion to dismiss appeal is granted and the appeal in ordered dismissed.

Dated JAN 31 1980

CALDECOTT, P.J.

P.J.

APPENDIX "F"

PHONE 756-5000 HOURS BY APPOINTMENT

DIGESTIVE DISEASE MEDICAL GROUP, INC.

LEO van der REIS, M.D INTERNAL MEDICINE
JOHN FISHER M.D GASTROENTEROLOGY
1800 SULLIVAN AVE #304 DALY CITY, CALIF 94015

NAME _____ DATE 5/8/80

ADDRESS TO WHOM IT MAY CONCERN:

℞

Marie Bressler is now being treated under my medical care and should not be upset.

PLEASE LABEL

REFILL _____

STATE LIC A17230
STATE LIC G25678

Leo van der Reis, M.D.

Dun & Bradstreet, Inc.

FULL REVISION

D-U-N-S NO. 04-641-4348
MARIE'S ORIGINALS

150 SUN VALLEY MALL
CONCORD CA 94520
TEL 415 687-7723

MAR 11 1977

WOMEN'S CLOTHING

SIC NOS.
56 21

MARIE BRESSLER, OWNER

SUMMARY
RATING --
STARTED 1958
PAYMENTS GEN DISC
SALES $55,000
EMPLOYS 1
HISTORY CLEAR

THIS REPORT HAS BEEN SUBMITTED TO MARIE BRESSLER OWNER, AT HER REQUEST

APPENDIX "G"

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

AS OF	PAYING RECORD	HIGH CREDIT	OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
3/77	Disc	2500	500	0	2 10 EOM	2-3 Mos
	Disc	2500	500	0	2 10 EOM	1 Mo

Cash on option

PART OR IN ITS ENTIRETY, IS UNAUTHORIZED.

FINANCE On Feb 23 1977 Marie Bressler, owner, declined financial statement.

She did indicate that gross revenues for 1976 ran $55,000.

Bressler declined financial statement citing involvement in litigation with the landlords who originally filed an unlawful detainer action in 1970 with countersuit resulting.

Condition undetermined in absence of current financial details. Available supplier comment generally favorable with past slowness attributed to misunderstanding over terms and bookkeeping problems since resolved.

On Oct 16 1970, a suit was entered against Bayshore Properties, et al by Charles and Marie Bressler and others in Superior Court Court (Docket #122370) in Martinez, California. Cause of action was seeking money, restitution for misrepresentation alledged unlawful utility charges levied by landlord on tenants. Lengthy and prolonged litigation unresolved as of Mar 1977.

BANKING 2/77 Balances average high three figures. Account opened 1968.

HISTORY MARIE BRESSLER, OWNER

Style registered 1962 by Charles and Marie Bressler. Business started in 1958 by Marie Bressler. Marie Bressler took over as sole owner in 1964. Business started in San Mateo, California in 1958. Moved to 28A Seventh Street, San Francisco, California and in Oct 1968 moved to captioned address.

BRESSLER born 1928, divorced. Started business in 1958. Prior to that a housewife.

OPERATION Retails women's ready-to-wear clothing in low to medium price range. Sales to general public for cash.

EMPLOYEES: Employs one, the owner.

LOCATION: Leases 1,200 square feet on ground floor of two-story

(CONTINUED)

THIS REPORT, FURNISHED PURSUANT TO CONTRACT FOR THE EXCLUSIVE USE OF THE SUBSCRIBER AS ONE FACTOR TO CONSIDER IN CONNECTION WITH CREDIT, INSURANCE, MARKETING OR OTHER BUSINESS DECISIONS, CONTAINS INFORMATION COMPILED FROM SOURCES WHICH DUN & BRADSTREET, INC. DOES NOT CONTROL AND WHOSE INFORMATION, UNLESS OTHERWISE INDICATED IN THE REPORT, HAS NOT BEEN VERIFIED. IN FURNISHING THIS REPORT, DUN & BRADSTREET, INC. IN NO WAY ASSUMES ANY PART OF THE USER'S BUSINESS RISK, DOES NOT GUARANTEE THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE INFORMATION PROVIDED, AND SHALL NOT BE LIABLE FOR ANY LOSS OR INJURY WHATEVER RESULTING FROM CONTINGENCIES BEYOND ITS CONTROL OR FROM NEGLIGENCE.

OPERATN (Cont'd) concrete building in Sun Valley Regional Shopping Center. Premises neat.
03-16(99 /A 14008/01 01501 S 076
Bank of America, Sun Valley Mall

THIS REPORT HAS BEEN SUBMITTED TO MARIE BRESSLER, OWNER, AT HER REQUEST FOR THE SOLE PURPOSE OF REVIEWING ITS CONTENTS. ANY REPUBLICATION OR REPRODUCTION OF THIS REPORT, IN PART OR IN ITS ENTIRETY, IS UNAUTHORIZED.

This is not my request
And also wrong to Publicize
their our estimate—

THIS REPORT, FURNISHED PURSUANT TO CONTRACT FOR THE EXCLUSIVE USE OF THE SUBSCRIBER AS ONE FACTOR TO BE CONSIDERED IN CONNECTION WITH CREDIT, INSURANCE, MARKETING OR OTHER BUSINESS DECISIONS, CONTAINS INFORMATION COMPILED FROM SOURCES WHICH DUN & BRADSTREET, INC. DOES NOT CONTROL AND WHOSE INFORMATION, UNLESS OTHERWISE INDICATED IN THE REPORT, HAS NOT BEEN VERIFIED. IN FURNISHING THIS REPORT, DUN & BRADSTREET, INC. IN NO WAY ASSUMES ANY PART OF THE USER'S BUSINESS RISK, DOES NOT GUARANTEE THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE INFORMATION PROVIDED, AND SHALL NOT BE LIABLE FOR ANY LOSS OR INJURY WHATEVER RESULTING FROM CONTINGENCIES BEYOND ITS CONTROL OR FROM NEGLIGENCE

WILLAMSON & VOLLMER ENGINEERING, INC.
CONSULTING ENGINEERS • ELECTRICAL & MECHANICAL
Edw. V. Vollmer, E. E. • C. R. Bowden, M. E. • R. Williamson, Administrator
P. O. BOX 187
362 PARK STREET
RHEEM VALLEY, CALIFORNIA 94570
376-8801

2 March 1970

Mario's Originals
150 Sun Valley Mall
Concord, California 94523

APPENDIX "H"

Attn: Mrs. Mario Bressler

Ref: Our File #2161.4

Dear Mrs. Bressler:

Estimates of monthly operating hours and power loads are as accurate as can be determined by visual and instrument survey. The estimated billing costs used herein are for the purpose of obtaining as accurate a picture of the installation as possible.

Engineering data presented will be on the basis of normal store-day operation and does not include off-hour usage.

Intermittent operation of some equipment (ie: business machines, electrical water heaters, electrical appliances, etc.) are included only on a demand scheduling.

Air Conditioning equipment load is included at a time figure of 50% normal store operating usage. Since Air Conditioning equipment is automatic, altering itself for specific temperature conditions, it is impossible to determine an actual load usage without a recording watt hour meter. This was not done and would be necessary if more accurate data is required.

Store Operating Hours - Estimated per Month

22 days @ 12 hours	264 hrs/mo.	
4 days @ 8 hours	32 hrs/mo.	
December only:		
22 days @ 12 hours		264/hrs/mo.
8 days @ 8½ hours		68 hrs/mo.
Totals	296 hrs/mo.	332 hrs/mo.

COPY

Estimated Power Usage:

11 Months Average	2862.30 KWH/Mo.
December	3209.15 KWH

Estimated power billing for 2862.30 KWH/Mo., based on Pacific Gas & Electric General Service Schedule A-3 would be plus or minus $83.14 per month.

Estimated power billing for 3209.15 KWH for December only would be plus or minus $96.18.

Yearly Estimate:

11 Months @ $83.14	$ 969.54
1 Month @ $96.18	96.18
Total Yearly Estimate	$1,065.72

Very truly yours,

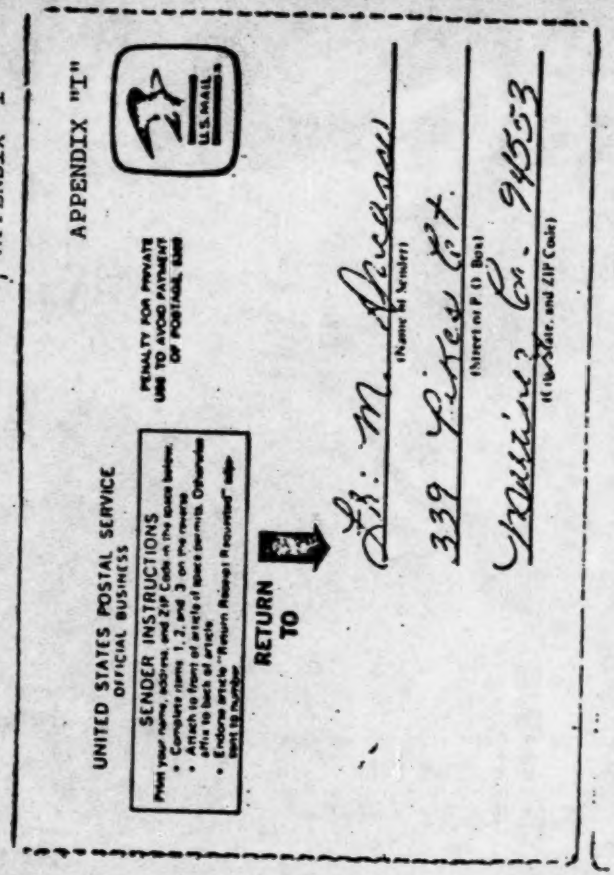
WILLIAMSON & VOLLMER ENGINEERING, INC.

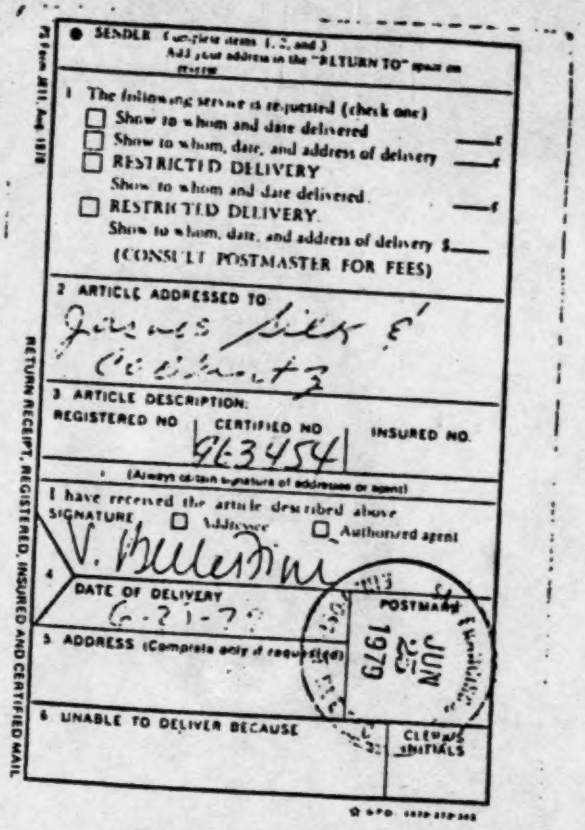
Wm. F. Vollmer

WFV:rl

COPY

APPENDIX "I"





"EXTRAORDINARY RELIEF" under the "ALL WRITS ACT" TITLE 28 U.S.C.A. §-1651 (a)
(writ of mandamus, prohibition and/or cert.) filed June 21'79

PROOF OF DELIVERY

APPENDIX "I"-A

I, THERESA R.Mifsud, say;

I am a citizen of the United States and a resident of the County of Contra Costa, California. I am over the age of 18 years and not a party in the within action. That I served a copy of the attached "PETITION FOR EXTRAORDINARY RELIEF TITLE 28 U.S.C.A. § 1651 (a)" personally to

WILLIAM McCabe (March 16,1978)
JACOB, SILLS & COBLENTZ
Attorney at Law
Suite 3100
555 California St. San Francisco, Calif.

JACK McCONVEY, GEN. MGR. (March 19,1978)
SunValley Office at SunValley Shopping Center
Concord, California

I, THERESA R. MIFSUD, certify under penalty of perjury that the foregoing is true and correct.

Theresa R. Mifsud

THERESA R. MIFSUD
339 Pikes Court
Martinez, California

EXECUTED ON MARCH 23 ,1978

SUBSCRIBED & SWORN TO BEFORE ME THIS 23 DAY MARCH ,1978

OFFICIAL SEAL
GERALD LEE SEFRANKA
NOTARY PUBLIC - CALIFORNIA
COUNTY OF CONTRA COSTA
My Commission Expires October 21, 1979

Gerald Lee Sefranka

3-23-78- 450 P.M